

**DEPARTMENT OF EDUCATION
SPECIAL EDUCATION PROGRAMS
Lifequest Agency: Mitchell, South Dakota
Accountability Review - Monitoring Report 2012-2013**

Team Members: Rhonda Zinter, Educational Specialist/Team Leader; Donna Huber, Education Specialist; Dan Rounds, Transition Liaison; Angela Boddicker, Special Education Programs

Dates of On Site Visit: January 4, 2012

Date of Report: January 30, 2013

All non-compliance must be corrected within 1 year of this report date.

Date Closed:

Program monitoring and evaluation.

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Division of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Native American children operated or funded by the Secretary of the Interior:
 - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
 - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

State monitoring--Quantifiable indicators and priority areas.

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
 - (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
 - (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)
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State enforcement -- Determinations.

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Division of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

Deficiency correction procedures.

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR

ARSD 24:05:25:06.01. Consent for reevaluation. Before conducting a reevaluation of an eligible child, parental consent is required, unless:

- (1) The school district can demonstrate that it has taken reasonable measures to obtain consent, and the child's parent has failed to respond; and
- (2) The school district documents its efforts to obtain consent by using the procedures consistent with § 24:05:25:17.

If the parent refuses to consent to the reevaluation, the school district may, but is not required to, pursue the reevaluation by using the consent override procedures described in chapter 24:05:30 including mediation and due process hearing procedures.

Corrective Action:

Through a review of student records and interview, the monitoring team noted a prior notice for consent for evaluation was not present in the following student file reviewed.			
Student:	Required Action:	Data To Be Submitted for Prong 1:	Data To Be Submitted for Prong 2:
Student # 5: File missing a prior notice for consent to evaluate	Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance. Activity/Procedure: 1. Training will be provided to Lifequest-Mitchell in the area of special education documents required to be in students files	1. The agency must review and provide a written statement of their current policy/procedure and practice regarding this issue. 2. The agency must contact placing school district and obtain a copy of the prior notice for consent for evaluation.	The agency will collect and submit to SEP the following data: Prior notice consent for evaluation
		Timeline for Completion: April 1, 2013	Timeline for Completion: May 15, 2013

ARSD 24:05:25:06. Reevaluations. A school district shall ensure that a reevaluation of each child with a disability is conducted in accordance with this chapter if the school district determines that the educational or related service needs, including improved academic achievement and functional performance, of the child warrant a reevaluation or if the child's parents or teacher requests a reevaluation.

A reevaluation conducted under this section may occur not more than once a year, unless the parent and district agree otherwise, and must occur at least once every three years, unless the parent and the district agree that a reevaluation is unnecessary.

Reevaluations must be completed within 25 school days after receipt by the district of signed consent to reevaluate unless other time limits are agreed to by the school administration and the parents consistent with § 24:05:25:03.

Each school district shall follow the procedures under § 24:05:25:04.02 when reevaluating a student for the additional purposes of:

- (1) Determining whether the child continues to have a disability and determining the educational needs of the child;
- (2) Determining the present levels of academic achievement and related developmental needs of the child;
- (3) Determining whether the child continues to need special education and related services; and

(4) Determining whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP and to participate, as appropriate, in the general education curriculum.

If no additional data are needed to determine continuing eligibility and the child's educational needs, the district shall notify the parents of that determination and reasons for it and of the right of the parent to request an assessment, for purposes of determining the child's educational needs under this article, and to determine continuing eligibility. The school district is not required to conduct an assessment unless requested to do so by the child's parents. However, a school district shall follow the procedures in this chapter before determining that the child is no longer a child with a disability. The evaluation procedures described in this chapter are not required before the termination of a child's eligibility under this article due to graduation from secondary school with a regular high school diploma, or exceeding the age eligibility for FAPE.

Corrective Action:

Through a review of student records, the monitoring team noted that a consent for a re-evaluation was obtained but no evidence in file of a re-evaluation.			
Student:	Required Action:	Data To Be Submitted for Prong 1:	Data To Be Submitted for Prong 2:
4: Student's file is missing an eligibility document, evaluation reports and a new IEP.	Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance. Activity/Procedure: Training will be provided to Lifequest-Mitchell in the area of special education documents required to be in students files	1. The agency must review and provide a written statement of their current policy/procedure and practice regarding this issue. 2. The agency must contact placing school district and obtain copies of the evaluation report, eligibility document and IEP	The district will collect and submit to SEP the following data: 1. Copies of most recent evaluation reports 2. Meeting notice 3. Eligibility document 4. Revised or new IEP
		Timeline for Completion: April 1, 2013	Timeline for Completion: May 15, 2013

ARSD24:05:25:04. Evaluation procedures -- General. School districts shall ensure, at a minimum, that evaluation procedures include the following:

(5) A variety of assessment tools and strategies are used to gather relevant functional, developmental, and academic information about the child, including information provided by the parents, that may assist in determining: (a) Whether the child is a child with a disability; and (b) The content of the child's IEP, including information related to enabling the child: (i) To be involved in and progress in the general education curriculum; or (ii) For a preschool child, to participate in appropriate activities; and

Corrective Action:

Through a review of student records and interview, the monitoring team noted relevant functional, developmental and academic information was not included in the evaluation in the following student files reviewed.			
Student:	Required Action:	Data To Be Submitted for Prong 1:	Data To Be Submitted for Prong 2:
Student # 2-Specific skill-based assessment must be assessed in each area of eligibility.	Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance. Activity/Procedure: Training will be provided to Lifequest-Mitchell in the area of special education documents required to be in students files.	1. The agency must review and provide a written statement of their current policy/procedure and practice regarding this issue. 2. The agency must contact placing school district and obtain a copy of all skill based assessment reports.	The district will collect and submit to SEP the following data: Copies of skill based assessments.
		Timeline for Completion: April 1, 2013	Timeline for Completion: May 15, 2013

ARSD 24:05:27:01.01. IEP team. Each school district shall ensure that the IEP team for each student with disabilities include the following members:

- (1) The parents of the student;
- (2) Not less than one regular education teacher of the student if the student is, or may be, participating in the regular education environment;
- (3) Not less than one special education teacher of the student or, if appropriate, at least one special education provider of the student;
- (4) A representative of the school district who:
 - (a) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of students with disabilities;
 - (b) Is knowledgeable about the general education curriculum; and
 - (c) Is knowledgeable about the availability of resources of the school district;
- (5) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in subdivisions 2 to 6, inclusive, of this section;

(6) At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student including related services personnel as appropriate;

(7) If appropriate, the student; and

(8) Transition services participants as described in §§ 24:05:25:16.01 and 24:05:25:16.02.

The determination of the knowledge or special education expertise of any individual described in this section shall be made by the party (parents or district) who invited the individual to be a member of the IEP team. A district may designate another district member of the IEP team to also serve as the district representative, if the criteria in this section are satisfied.

Corrective Action:

Through a review of student records, the monitoring team noted that a student's annual IEP did not have appropriate team membership.			
Student:	Required Action:	Data To Be Submitted for Prong 1:	Data To Be Submitted for Prong 2:
4: Noted members at IEP meeting were only administrator and special education teacher.	Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance. Activity/Procedure: Training will be provided to Lifequest-Mitchell in the area of special education documents required to be in the student files.	1. The agency must review and provide a written statement of their current policy/procedure and practice regarding this issue.	The agency will collect and submit to SEP three student IEP front pages documenting appropriate IEP team membership at the IEP meeting.
		Timeline for Completion: April 1, 2013	Timeline for Completion: May 15, 2013

ARSD 24:05:27:01.03. Content of individualized education program. Each student's individualized education program shall include: (3) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided to enable the student: (a) To advance appropriately toward attaining the annual goals; (b) To be involved and make progress in the general education curriculum in accordance with this section and to participate in extracurricular and other nonacademic activities; and (c) To be educated and participate with other students with disabilities and nondisabled students in the activities described in this section;

Corrective Action:

Through a review of student records, the monitoring team noted the configuration of services was not documented in the student's IEP.			
Student:	Required Action:	Data To Be Submitted for Prong 1:	Data To Be Submitted for Prong 2:
4: Services need to be broken out to describe the specific service.	Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance. Activity/Procedure:	The agency must review and provide a written statement of their current policy/procedure and	The agency will collect and submit to SEP the following data: 1. Meeting notice to amend

	Training will be provided to Lifequest-Mitchell in the area of special education documents required to be in the student files.	practice regarding this issue.	the IEP 2. A copy of the IEP amendment that describes the special education service to be provided to the student.
		Timeline for Completion: April 1, 2013	Timeline for Completion: May 15, 2013

ARSD 24:05:28:01. Least restrictive program to be provided. Children in need of special education or special education and related services, to the maximum extent appropriate, shall be educated with children who are not disabled and shall be provided special programs and services to meet their individual needs which are coordinated with the regular educational program. Special classes, separate schooling, or other removal of children with disabilities from the regular educational classroom may occur only when the nature or severity of the child's needs is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

ARSD 24:05:28:02. Continuum of alternative placements. Alternative placements which must be made available include the following: (1) Regular educational programs with modification; (2) Resource rooms; (3) Self-contained programs; (4) Separate day school programs; (5) Residential school programs; (6) Home and hospital programs; and (7) Other settings. For each of the programs listed in this section, the IEP team shall determine the extent to which related services are required in order for the child to benefit from the program. The length of the school day must be equal in duration to that of a regular public school day unless an adjusted school day is required to meet the individual needs of the child. The IEP team shall provide for supplementary services, such as resource room or itinerant instruction, to be provided in conjunction with regular class placement, as applicable. In those cases where placement is made in a separate day school program or residential school program, the district may abide by the school term of the facility in which the child is placed based on the individual needs of the child.

Corrective Action:

Through a review of student records, the monitoring team noted the justification for placement was not documented in the student's IEP.			
Student:	Required Action:	Data To Be Submitted for Prong 1:	Data To Be Submitted for Prong 2:
4: The IEP must provide a written statement describing the instructional needs that resulted in the decision to place a student in any setting on the continuum.	Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance. Activity/Procedure: Training will be provided to Lifequest-Mitchell in the area of special education documents required to be in the student files.	1. The agency must review and provide a written statement of their current policy/procedure and practice regarding this issue.	The agency will collect and submit to SEP the following data: 1. Meeting notice to amend the IEP 2. A copy of the IEP amendment that describes the justification for placement
		Timeline for Completion: April 1, 2013	Timeline for Completion: May 15, 2013

<u>Prong 1:</u> Data submitted will be used to verify correction of each individual case of noncompliance.
<u>Prong 2:</u> Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of <u>updated data</u> . Verification of correctly implemented policy/procedure/practice identified in Prong 1.
Target Date for Completion:
Date - Status Report: